THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 3434 of 2007

Date:18-06-2007

Between:

Salem Bin Ahmed Basheer ..
PETITIONER

AND

The Govt. of A.P. rep. by its Principal Secretary,Hyderabad and four others

..
RESPONDENTS

ORDER:

The petitioner seeks to issue a writ of mandamus to declare the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner over the schedule property, as illegal and arbitrary.

It is the case of the G.P.A. holder of the petitioner that the petitioner is the owner and possessor of Ac.2-00 guntas in Sy.No.151 (part) situated at Al-Jabari Colony, Balapur village, Saroornagar mandal. During the civil disputes between the petitioner and other persons which is the subject matter of O.S.No.2752 of 2006 on the file of the II Additional Senior Civil Judge, Ranga Reddy, the Court below granted injunction directing the petitioner and the respondents therein viz. P.Srinivas Rao and Kondaiah Chowdary not to make any construction in the suit schedule property. But, in spite of the said order, the police are not extending the necessary protection.

I am of the opinion that when the civil suit is pending, it is for the petitioner to get appropriate relief from the civil Court only and the civil Court is empowered to pass any appropriate order. When there is an injunction directing the petitioner as well the defendants in the said suit O.S.No.2752 of 2006 and if there is any violation of the order, it is for the petitioner to file a contempt application and also to get a specific order from the civil Court for providing police protection if any. But, when the civil disputes are pending, it is not open for the petitioner to seek writ of mandamus.

Accordingly, the writ petition is dismissed with liberty to the petitioner to get appropriate relief from the civil Court. No costs.

_____

V.ESWARAIAH, J.

Date:18.06.2007.
ccm